

EXHIBIT 2

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and IKIMULISA
5 LIVINGSTON,

6 Plaintiffs,

vs.

09CIV9832
(BSJ(RLE))

7 NEWS CORPORATION, NYP HOLDINGS,
8 INC., d/b/a THE NEW YORK POST,
9 and DAN GREENFIELD and MICHELLE
10 GOTTHELF,

Defendants.

11
12 -----
13 SANDRA GUZMAN,

14 Plaintiff,

15 vs.

09CIV9323
(BSJ(RLE))

16 NEWS CORPORATION, NYP HOLDINGS,
17 INC., d/b/a THE NEW YORK POST,
18 and COL ALLAN, in his official
19 and individual capacities,
20 Defendants.

21 -----
22 DEPOSITION OF JOE ROBINOWITZ
23 New York, New York
24 June 14, 2012
25

Reported by:

26 MARY F. BOWMAN, RPR, CRR
27 JOB NO. 50552

<p style="text-align: right;">Page 90</p> <p>1 ROBINOWITZ</p> <p>2 termination Sandra Guzman?</p> <p>3 MS. LOVINGER: Objection.</p> <p>4 A. Had nothing to do with me. All</p> <p>5 I --</p> <p>6 Q. I'm not asking whether it had</p> <p>7 something to do with you. My question is --</p> <p>8 MS. LOVINGER: The record will</p> <p>9 reflect that the witness was again cut</p> <p>10 off in answering.</p> <p>11 Q. Mr. Robinowitz, if you weren't</p> <p>12 finished, please finish your question. I</p> <p>13 thought you were finished.</p> <p>14 A. Sir, this is a hypothetical. It</p> <p>15 was not my decision to make. I was carrying</p> <p>16 out orders. I don't know whether I would</p> <p>17 agree or disagree. It was something I was</p> <p>18 asked to do.</p> <p>19 Q. I'm not asking you a hypothetical</p> <p>20 question. I am asking you a question in</p> <p>21 fact.</p> <p>22 When you learned that Ms. Guzman's</p> <p>23 employment was going to be terminated, did</p> <p>24 you agree with that decision? Yes or no?</p> <p>25 MS. LOVINGER: Objection.</p>	<p style="text-align: right;">Page 91</p> <p>1 ROBINOWITZ</p> <p>2 A. I would say that I did, because</p> <p>3 more than half of her sections or half of her</p> <p>4 sections were gone.</p> <p>5 Q. Well, there were other sections</p> <p>6 that she was working on at the time of her</p> <p>7 termination, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And those sections were -- strike</p> <p>10 that.</p> <p>11 So why couldn't she stay on at the</p> <p>12 Post and handle those sections going forward?</p> <p>13 MS. LOVINGER: Objection.</p> <p>14 A. Mr. Allan asked me in advance of my</p> <p>15 learning of her termination -- I went in to</p> <p>16 see him. Amy Scialdone was with me. The</p> <p>17 decision was made that she would no longer do</p> <p>18 those sections.</p> <p>19 And the reason I know this is</p> <p>20 because when we went into his office, we</p> <p>21 said -- we said, we've come to talk about</p> <p>22 Sandra. His question right at that point to</p> <p>23 me was, who will pick up her other sections?</p> <p>24 Q. And what did you say?</p> <p>25 A. Carole Sovocool.</p>
<p style="text-align: right;">Page 92</p> <p>1 ROBINOWITZ</p> <p>2 Q. Who made the decision to have</p> <p>3 Carole Sovocool take over the position --</p> <p>4 A. He said that was fine.</p> <p>5 Q. My question -- you have to let me</p> <p>6 finish my question.</p> <p>7 A. Yes, sir, I am sorry.</p> <p>8 Q. My question is, who made the</p> <p>9 decision that Carole Sovocool would take over</p> <p>10 the other sections of the paper that</p> <p>11 Ms. Guzman was responsible for apart from</p> <p>12 Tempo?</p> <p>13 MS. LOVINGER: Objection.</p> <p>14 A. When Col asked me that question, I</p> <p>15 said, I think the best person would be Carole</p> <p>16 Sovocool. And he said fine.</p> <p>17 Q. Did Carole Sovocool actually take</p> <p>18 over the responsibility for editing the other</p> <p>19 sections that Ms. Guzman had edited during</p> <p>20 her employment?</p> <p>21 A. Yes.</p> <p>22 Q. Is Carole Sovocool Caucasian?</p> <p>23 A. Yes, sir.</p> <p>24 Q. So I want to make sure the record</p> <p>25 is clear. When did you and Amy Scialdone go</p>	<p style="text-align: right;">Page 93</p> <p>1 ROBINOWITZ</p> <p>2 to Mr. Allan's office regarding Sandra</p> <p>3 Guzman's termination?</p> <p>4 A. At some point after the decision</p> <p>5 was made to terminate Tempo.</p> <p>6 Q. When was that decision made?</p> <p>7 A. I don't know the exact date.</p> <p>8 Q. Who made the decision to terminate</p> <p>9 Tempo?</p> <p>10 A. I don't know.</p> <p>11 Q. Did you participate in the decision</p> <p>12 to terminate Tempo?</p> <p>13 A. No, sir.</p> <p>14 Q. How did you learn that the Tempo</p> <p>15 section would be terminated?</p> <p>16 A. I can't recall.</p> <p>17 Q. Who told you that the Tempo section</p> <p>18 was going to be terminated?</p> <p>19 MS. LOVINGER: Objection. Asked</p> <p>20 and answered.</p> <p>21 A. I can't recall.</p> <p>22 Q. Was it a male or female who told</p> <p>23 you that the Tempo section was going to be</p> <p>24 terminated?</p> <p>25 MS. LOVINGER: Objection.</p>

<p style="text-align: right;">Page 102</p> <p>1 ROBINOWITZ</p> <p>2 Tempo?</p> <p>3 A. No. That wouldn't be my job to do</p> <p>4 that. I don't know what else there was even</p> <p>5 available in the newsroom at that time.</p> <p>6 Q. Well, did you -- did it ever cross</p> <p>7 your mind to ask Col Allan if there was</p> <p>8 additional responsibilities that could be</p> <p>9 given to Sandra Guzman after Tempo closed?</p> <p>10 MS. LOVINGER: Objection.</p> <p>11 A. No, I did not ask him that.</p> <p>12 Q. Why not?</p> <p>13 A. The -- there are four people that</p> <p>14 report to me at this point, OK, or maybe</p> <p>15 five. One has been taken away from me. I</p> <p>16 didn't know she was going to be terminated.</p> <p>17 I just knew that those other sections that</p> <p>18 she handled were going to be given to Carole</p> <p>19 Sovocool. At that point, I knew she was no</p> <p>20 longer going to be reporting to me.</p> <p>21 Q. But then there came a time when you</p> <p>22 learned that Ms. Guzman was going to be</p> <p>23 terminated, correct?</p> <p>24 A. That is correct.</p> <p>25 Q. So why didn't you go to Col Allan</p>	<p style="text-align: right;">Page 103</p> <p>1 ROBINOWITZ</p> <p>2 at that point and say, is there anything else</p> <p>3 we can give to Sandra so she doesn't have to</p> <p>4 be terminated?</p> <p>5 MS. LOVINGER: Objection.</p> <p>6 A. I didn't -- I mean that's not my</p> <p>7 responsibility. It's-- you know, the</p> <p>8 responsibility for the other areas that need</p> <p>9 coverage in our newsroom, I don't have --</p> <p>10 Q. My question --</p> <p>11 MS. LOVINGER: He is still</p> <p>12 answering the question and you're cutting</p> <p>13 him off.</p> <p>14 Q. The reason why I go on to the next</p> <p>15 question, Mr. Robinowitz, is it appears as if</p> <p>16 you've finished answering the questions. If</p> <p>17 you can just keep your voice up, and I will</p> <p>18 wait for you to finish answering all my</p> <p>19 questions.</p> <p>20 A. OK, I understand.</p> <p>21 Q. OK?</p> <p>22 I am not asking you whether it was</p> <p>23 your responsibility to go to Col Allan and</p> <p>24 talk to him about whether Ms. Guzman should</p> <p>25 be given additional work. I'm asking you why</p>
<p style="text-align: right;">Page 104</p> <p>1 ROBINOWITZ</p> <p>2 didn't you go to him and ask him whether</p> <p>3 Ms. Guzman could be given additional</p> <p>4 responsibilities rather than be terminated.</p> <p>5 A. I simply didn't.</p> <p>6 Q. I understand you didn't. I am</p> <p>7 asking you why didn't you.</p> <p>8 MS. LOVINGER: Objection.</p> <p>9 A. I didn't.</p> <p>10 Q. Why?</p> <p>11 MS. LOVINGER: This has been asked</p> <p>12 and answered.</p> <p>13 A. Sir, I didn't ask if there were</p> <p>14 other things she could do.</p> <p>15 Q. I know you didn't ask. My question</p> <p>16 is, why didn't you go to Col Allan and ask</p> <p>17 him?</p> <p>18 MS. LOVINGER: Objection.</p> <p>19 A. I can just give you, in my</p> <p>20 experience, people come, people go. People</p> <p>21 are hired, people are fired. People quit,</p> <p>22 people die. It is not my responsibility in</p> <p>23 the role I had at that time to do anything</p> <p>24 except carry out the order.</p> <p>25 Q. I understand. But she was a direct</p>	<p style="text-align: right;">Page 105</p> <p>1 ROBINOWITZ</p> <p>2 report of yours, correct?</p> <p>3 A. Right.</p> <p>4 Q. And months earlier, you felt that</p> <p>5 she was doing -- her performance exceeded the</p> <p>6 standards, correct?</p> <p>7 A. Her performance did exceed the</p> <p>8 standards. She was an excellent employee.</p> <p>9 Excellent employees have left before, and I</p> <p>10 haven't gone to my superior and, you know,</p> <p>11 sought additional work for them.</p> <p>12 Q. So you believe that when Ms. Guzman</p> <p>13 was terminated, she was an excellent</p> <p>14 employee?</p> <p>15 MS. LOVINGER: Objection.</p> <p>16 A. I believe that half of the sections</p> <p>17 that she was handling were gone.</p> <p>18 Q. That's not my question. You just</p> <p>19 said she was an excellent employee. My</p> <p>20 question, Mr. Robinowitz, is, was she an</p> <p>21 excellent employee on the day she was</p> <p>22 terminated?</p> <p>23 A. Yes. Her termination had nothing</p> <p>24 to do with her performance.</p> <p>25 Q. At all?</p>

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A. I don't know. I can tell you who was -- I'm pretty sure I know who was there during the meeting.

Q. OK.

A. Myself --

Q. Wait. Before you identify the people who were there, do you recall when you met with the appraisal committee in 2009 to go over Ms. Guzman's evaluation for that year?

A. No, sir.

Q. Do you recall the month in 2009 that you participated in such a meeting?

A. No, sir.

Q. Do you recall where the meeting was held?

A. It was held at 1211 6th Avenue.

Q. Where in 1211 6th Avenue was the meeting held?

A. In a conference room on the third floor.

Q. Did the New York Post occupy offices on the third floor of 1211 Avenue of the Americas when you had that meeting?

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A. What do you mean, did they occupy?

Q. Did they have offices --

A. There is a series of conference rooms on that floor.

Q. Did News Corp. also have conference rooms on the third floor?

MS. LOVINGER: Objection.

A. I -- I think the conference rooms are used by all kinds of different companies that are associated with, you know, the parent company. But it is where the conference rooms are.

Q. Now, who do you recall being present for the meeting that you had with the appraisal committee to go over Ms. Guzman's draft evaluation?

A. In 2009?

Q. Yes.

A. I'm certain I was there. I'm certain Mr. Allan was there. I'm certain Ms. Jehn was there. I'm certain Paul Carlucci was there.

I don't believe that Amy Scialdone was there. But I have a vague recollection

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that Mike Racano might have been there.

Q. When you went to the meeting that day, did you go with the intention of reviewing only Ms. Guzman's work performance or the work performance of some of your other direct reports?

A. All of my direct reports. It is purposely scheduled that day.

Q. OK. And how many direct reports did you have at that time?

A. At that time, it would have been Laura Harris, who is the Post's librarian.

Q. Laura Harris?

A. Yes, sir, Laura Harris, the Post's librarian.

Q. Right.

A. Chris Erikson, who works for features. He's sort of a hybrid. He also did -- does our At Work section on Mondays. I no longer review him, but I did in 2009.

David Landsel, the travel editor.

Carole Sovocool, the special sections editor.

And Sandra Guzman, the Tempo

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editor.

Those were my reports in that year that I did performance appraisals for.

Q. Was there a discussion by the group regarding your draft appraisal for Ms. Guzman for 2009?

A. Yes, there was.

Q. Can you describe the discussion that took place?

A. The only thing I recall is that when we got to the actual rating, somebody said, listen, there is nothing in this document that reflects an ethical breach which Sandra was involved in, in January. She was written up for it. That needs to be incorporated in this document so that she knows that we are serious about her upholding the highest standards of business practice, and the rating of a 4 should be reduced as a result of that write-up.

Now, when I did this write-up, I didn't -- I wasn't even considering --

Q. Why not?

A. -- that write-up.

<p style="text-align: right;">Page 282</p> <p>1 ROBINOWITZ</p> <p>2 question.</p> <p>3 Q. Did there come a time when you and</p> <p>4 Amy Scialdone went to see Col Allan about</p> <p>5 Sandra Guzman?</p> <p>6 A. Yes.</p> <p>7 Q. Why did you go see him?</p> <p>8 MS. LOVINGER: Objection. Asked</p> <p>9 and answered.</p> <p>10 A. I have answered. It has been asked</p> <p>11 several times and answered.</p> <p>12 We wanted to discuss Sandra Guzman</p> <p>13 with him, the matter of Sandra Guzman,</p> <p>14 because it had been determined that Tempo was</p> <p>15 closing, and that was half of the sections</p> <p>16 that she worked on.</p> <p>17 Q. I understand. Now --</p> <p>18 A. All the other sections previously</p> <p>19 had been, you know, edited by Carole</p> <p>20 Sovocool. I gradually moved some of that</p> <p>21 work over to Sandra to equalize out the work.</p> <p>22 Q. I understand.</p> <p>23 So when you --</p> <p>24 A. So when we went into his office,</p> <p>25 the first thing he said was, who is going to</p>	<p style="text-align: right;">Page 283</p> <p>1 ROBINOWITZ</p> <p>2 pick up the other sections? It was natural</p> <p>3 for me to say Carole Sovocool.</p> <p>4 Q. I understand.</p> <p>5 But when you went into that office</p> <p>6 that day, you had no idea how much time</p> <p>7 Sandra Guzman had been spending on the other</p> <p>8 sections separate and apart from Tempo,</p> <p>9 correct?</p> <p>10 MS. LOVINGER: Objection.</p> <p>11 A. That is correct.</p> <p>12 Q. So is it fair to say that when you</p> <p>13 went to see Col Allan, Sandra Guzman might</p> <p>14 have been spending the bulk of her time as a</p> <p>15 New York Post editor working on the other</p> <p>16 sections of the newspaper as opposed to</p> <p>17 spending most of her time on Tempo? Right?</p> <p>18 MS. LOVINGER: Objection.</p> <p>19 A. I have no way of knowing.</p> <p>20 Q. And as you sit here today, you have</p> <p>21 no idea, right?</p> <p>22 MS. LOVINGER: Objection. Asked</p> <p>23 and answered.</p> <p>24 Q. You have to answer verbally, not</p> <p>25 nonverbally.</p>
<p style="text-align: right;">Page 284</p> <p>1 ROBINOWITZ</p> <p>2 A. I have no idea. All I know is when</p> <p>3 she brought her sections to me, they were</p> <p>4 top-notch. The Tempo ones -- there was no</p> <p>5 performance problem.</p> <p>6 Q. I understand that. That's not in</p> <p>7 dispute.</p> <p>8 My question to you is this: As you</p> <p>9 sit here today, can you point to any other</p> <p>10 New York Post employee who had more</p> <p>11 understanding of the sections that Sandra</p> <p>12 Guzman was working on at the time she was</p> <p>13 terminated than you?</p> <p>14 A. I -- I think I probably had the</p> <p>15 most.</p> <p>16 Q. OK.</p> <p>17 A. But not on how she was spending her</p> <p>18 time.</p> <p>19 Q. OK. But you were the person who</p> <p>20 was in the best position to know her work</p> <p>21 performance, correct?</p> <p>22 A. Yes.</p> <p>23 Q. At the time she was terminated,</p> <p>24 correct?</p> <p>25 A. Yes, sir. Yes, sir.</p>	<p style="text-align: right;">Page 285</p> <p>1 ROBINOWITZ</p> <p>2 MR. THOMPSON: Let's take a break</p> <p>3 right now.</p> <p>4 THE VIDEOGRAPHER: Going off the</p> <p>5 record. The time is 5:41 p.m.</p> <p>6 (Recess)</p> <p>7 THE VIDEOGRAPHER: We are back on</p> <p>8 the record. The time is 6:04 p.m.</p> <p>9 (Exhibit 16, document Bates stamped</p> <p>10 NYP2327 through 28 marked for</p> <p>11 identification, as of this date.)</p> <p>12 BY MR. THOMPSON:</p> <p>13 Q. Mr. Robinowitz, please take a</p> <p>14 minute to look at Deposition Exhibit 16,</p> <p>15 which is Bates stamped NYP2327 to 2328.</p> <p>16 A. OK.</p> <p>17 Q. Have you seen this exhibit before?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Did you see this exhibit back in</p> <p>20 September of 2007?</p> <p>21 A. This was shortly after I became her</p> <p>22 supervisor.</p> <p>23 Q. Did you see this exhibit back in</p> <p>24 September of 2007?</p> <p>25 A. Yes, sir.</p>